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COHEN, DIPPELL AND EVERIST, P. C.

CONSULTING ENGINEERS

RADIO-TELEVISION

1300 L STREET, N. W.

SUITE 1100

WASHINGTON, D. C. 20005

(202) 898-0111

DONALD G. EVERIST
SUDHIR K. KHANNA
WARREN M. POWIS
JOHN R. URAM, JR.
ROBERT W. GUILL
WILSON A. LA FOLLETTE

JULIUS COHEN

(1913-1993)

RALPH E. DIPPELL, JR.

(1922-1992)

TELECOPIER

(202) 898-0895

November 20, 1995

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FEDERAL COMMUNICATIONS COMMISSION

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW Room 222
Washington, DC 20554

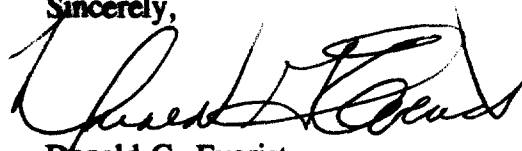
Re: MM Docket No. 87-268
Fourth Further Notice of
Proposed Rule Making and Third
Notice of Inquiry

Dear Mr. Caton:

Enclosed are ten copies (original and nine) of the comments prepared by this office in the Fourth Further Notice of Proposed Rule Making and Third Notice of Inquiry, "*In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*".

If there are any questions or comments concerning this filing, please contact the undersigned.

Sincerely,



Donald G. Everist

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Encl.

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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)

Advanced Television Systems)
and Their Impact Upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

Comments By
Cohen, Dippell and Everist, P.C.

The following comments are provided by the engineering firm of Cohen, Dippell and Everist, P.C. ("CDE") with respect to the Fourth Further Notice of Proposed Rule Making and Third Notice of Inquiry ("Notice"). The Notice requests comments on various issues of concern outlined by the Federal Communications Commission ("Commission"). Most of the issues addressed by the Commission in the Notice are non-engineering issues; however, CDE believes it important to address those items which have engineering ramifications.

Foremost, CDE wishes to comment on the Commission's role. The Commission's participation is not only vital, but critical, in the establishment of a new service. The Commission with limited resources has performed a valuable role. Furthermore, the Commission recognizes it must protect existing services with the implementation of any new service. This is a formidable task when the new service is to be integrated into the same spectrum authorized to the current service. We note that other efforts are underway by a

coalition to examine (according to a recent news article¹) the ATV implementation by building a model ATV station beginning at its inception, through the various stages from electronic news gathering, various transport paths such as studio, microwave, transmission, and propagation paths to the ultimate point, the consumer's receiver. These parallel efforts undertaken by broadcast equipment and consumer receiver manufacturers cannot be overlooked, if the impact to an existing service is to be minimized. CDE continues to believe that terrestrial off-the-air broadcasting performs and will continue to perform a necessary role in informing the general public whether it be the underprivileged or the general public. Broadcasting is the only medium that provides information at virtually no cost to the consumer, provides a wide variety of programming and is directly responsive to these viewers each rating period. It provides local information such as news, weather and sports. It is in this context that CDE offers the following comments, and we look forward to further Commission notices regarding the ATV standard and ATV Table of Allotments and assignment methodology.

We note that television service from the inception was allowed to bring a multitude of services to the general public and develop those services without any direct governmental interference. Fundamentally, television and other broadcasting mediums have served to be the vehicle from which the information revolution has been launched. Therefore, if the Commission desires this medium to continue to be in the forefront of the introduction of information to the general public, then the broadcast industry should be permitted to use the available technical

¹Washington Post article, Page 1, Business Section, November 9, 1995 entitled, "Coalition Plans to Build Model HDTV Station".

tools² without impediment. Terrestrial broadcasting must be able, not only to improve its product but must have the unrestrained ability to use additional technical tools to serve the public with new and innovative services provided that it

- (1) creates no objectionable interference to existing users and
- (2) its primary use is broadcasting to the general public.

The ability to provide these alternatives to the public is indeed remarkable, since less than ten years ago the technical opportunity for this discussion could not be made or imagined.

From an administrative standpoint, CDE believes that the current mechanisms of self reporting, public files and operating logs are proven and effective in carrying out the Commission's goals for monitoring and maintaining compliance with rules for this new medium.

Eligibility Issues

All television stations, applicants and permittees as of date of the forthcoming further notice on ATV allocation should be provided the opportunity to offer ATV signals. This will insure that new entrants and new emerging networks will have an opportunity to participate in providing their product through the improved high definition signal.

Furthermore, while we agree with the ultimate goal of each station returning back to one channel, we urge that the FCC consider staggered implementation dates. Certainly the requirement of all television stations implementing ATV and returning the NTSC channel after a specific time has elapsed may be convenient public policy but it will foster an abbreviated

²For example, AM stereo broadcasting was available in the 1960's; however, the Commission and other interests chose to refrain from this technological possibility in order to foster FM development. The Commission later elected to visit this question, but the outcome was not timely nor decisive enough to enable AM broadcasting to compete.

transition time in which it will be found that many small markets, public and educational television stations will be unable to make the transition.

Another consideration of tailoring the transition date is that a sudden curtailment of the NTSC service could possibly render millions of television sets useless and the ability to dispose of all these sets in an environmentally safe manner will be difficult. For example, the picture tube itself requires special handling. Multiply the disposal of that one component from all the sets in an abbreviated time frame will be a daunting task. Otherwise, the countryside will be littered with unwanted chassis and tubes.

Public Interest Obligations

While public interest obligations are generally somewhat beyond the technical realm of our experience, CDE believes that the licensee's public interest obligations should remain under the same current regulatory framework. To our knowledge, no other mass media telecommunication service to the consumer has to comply with such extensive public interest regulations. To expand the regulations will not serve any purpose other than to complicate the entrance of new service to the general public. Spectrum fees fall into the same category. Spectrum fees will only serve to frustrate the emergence of new services to the public at large.

Simulcast Requirements-Licensing of ATV and NTSC Stations

CDE believes that having a rapid implementation simulcast time requirement will disproportionately disenfranchise the poor and the population in the rural areas. The same philosophy applies if too rapid a schedule is selected for surrendering the NTSC channel. The answer to these questions cannot be adequately addressed since not one consumer has seen the

product nor is he aware of its cost. Therefore, it is neither realistic nor wise to try to preordain answers to these questions. The only measure which possibly could be fair and equitable is based upon a relatively high market penetration, however, this approach may also adversely and disproportionately affect the poor and the rural populations. CDE believes this will require the Commission to periodically review each of these issues.

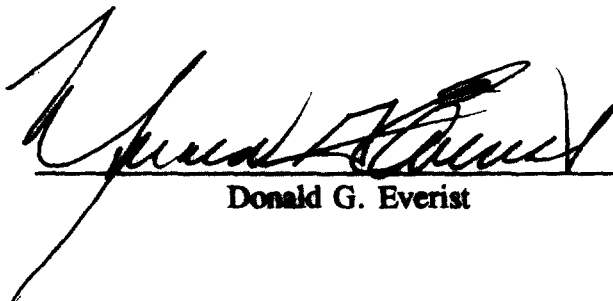
Spectrum Recovery - Length of Application
Construction Period

Spectrum recovery and the length of the application/construction period as well as the transition period will all require periodic Commission review. What if public acceptance is slower than anticipated? Does the Commission wish to find itself having overstated the case for ATV? What if some technical unknown such as the inability of signal to adequately penetrate or serve hilly and heavily forested areas such as Pittsburgh are found? CDE does not believe that the issue of spectrum recovery nor the issues of the length of applications/construction period/transition period can be adequately addressed until actual public acceptance can be made and determined.

Summary

CDE believes that the Commission has identified in this notice critical questions which serve to develop a further understanding of the non-technical requirements. CDE continues to believe generally unrestricted use of this new service should be permitted so long as it is broadcast-related. CDE believes the current regulatory mechanisms with modification are appropriate to monitor compliance with the rules. CDE does not subscribe to a one-fits-all time

requirement where the NTSC channel is to be returned. The country is too diverse and the issues too complex to fit into a single time constraint.



Donald G. Everist

Date: November 15, 1995